

REMARKS

Claims 21-40 were pending in the application prior to this amendment. Claims 21, 23, 25-33 are amended herein. Claims 22, 24, and 34-40 are canceled herein. New claims 41-49 are added herein. Thus, after this Amendment, claims 21, 23, 25-33 and 41-49 are pending in the application. A Request for Continued Examination is submitted concurrently herewith.

The examiner stated that claims 21-28 were directed to a constructively non-elected invention and withdrew those claims. Claim 21 has been amended to remove the language that the examiner characterized as “a generic force sensor that is confined to the seat section of a mattress only” Claim 21 has also been amended to recite the “inflatable cell,” “air source,” and “pressure sensor” elements and so is believed to now be directed to the constructively elected invention. Accordingly, examination of claim 21 and dependent claims 23, 25-33, and 42-47, which are dependent upon claim 21 either directly or indirectly, is respectfully requested.

Independent claim 21 has been amended to recite a combination of elements including, among other things, “a substantially rigid collector plate located above the inflatable cell and arranged to uniformly concentrate a portion of a person’s weight on the inflatable bladder.” Original claim 8 was a dependent claim that recited “a collector plate” but did not recite that the collector plate is “substantially rigid.” In the previous Office Action (mailed November 8, 2007), the examiner included dependent claim 8 in with claims 1-14 and 16-20 in making a 102(b) rejection based on U.S. Pat. No. 6,058,341 to Myers et al. However, the examiner did not provide any explanation as to where the “collector plate” of original claim 8 could be found in Myers et al. Claim 21 has been amended to recite “a substantially rigid collector plate” and thus, the portion of the soft foam cushion 16 of Myers et al. above bladder 20 cannot be considered the recited “substantially rigid collector plate.” While some foam materials can be fairly rigid, foam on which a person would sit in a car seat would inherently be soft, not substantially rigid, foam. Accordingly, claim 21 along with claims 23, 25-33 and 41-47 which depend either directly or indirectly from claim 21 are in condition of allowance and such action is respectfully requested.

The examiner stated that claims 34-40 were directed to a constructively non-elected invention and withdrew those claims. Claims 34-40 have been canceled.

The examiner rejected claims 29-33 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,094,762 to Viard et al. The examiner also rejected claims 29-33 under 35 U.S.C. § 102(b) as being anticipated by PCT Publication No. WO 03/024380 to Caldwell. Claim 29 has been amended to recited a combination of elements including, among other things, “a force sensor . . . comprising a substantially rigid lower plate, a plurality of force transducers above the lower plate, and a substantially rigid upper plate configured to concentrate a portion of a person’s weight on the plurality of force transducers” This type of force sensor structure is nowhere to be found in Viard or Caldwell. In fact, at the bottom of page 5 of Caldwell, it is stated that Caldwell’s pressure sensor is “(not shown).” Thus, Caldwell cannot possibly anticipate claim 29 with the recited “force sensor” limitations. Viard teaches a pressure sensor which includes a flexible bag that is filled with fluid, not a force sensor having a plurality of force transducers between upper and lower substantially rigid plates. Thus, Viard does not anticipate claim 29 with the recited “force sensor” limitations. Accordingly, claim 29 along with claims 30-33, 48 and 49 which depend either directly or indirectly from claim 29 are in condition for allowance and such action is respectfully requested.

An earnest attempt has been made to place the present application in condition for allowance. If there are any questions or comments that would speed prosecution of this patent application, the examiner is invited to call the undersigned at (317) 231-7341.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 7175-202438.

Respectfully submitted,
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